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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/502,456

07/21/2004

Hiroo Iwata

81844.0028

3742

26021 7590 07/24/2007  
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EXAMINER

ADAMS, AMANDA S

ART UNIT

PAPER NUMBER

3731

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/502,456

Applicant(s)

IWATA ET AL.

Examiner

Amanda Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4** are rejected under 35 U.S.C. 102(b) as being anticipated by Asano et al (US 6,027,527).

3. Asano et al disclose the invention substantially as claimed including a stent made of gold or platinum (col. 3, lines 21-25, wherein line 26 specifically states that the stent can be made of “one of the above-mentioned metals”, wherein the metals are listed in lines 22-24), both of which have a higher radiopacity than stainless steel, comprising a plurality of main struts and link struts (col. 3, lines 55-63), wherein the struts each have a width ranging from 100  $\mu\text{m}$  to 200  $\mu\text{m}$  and a thickness ranging from 50  $\mu\text{m}$  to 100  $\mu\text{m}$  (col. 4, lines 63-65; col. 5, lines 2-3; the ranges disclosed by Asano include all of the range values of claim 1).

### ***Allowable Subject Matter***

4. Claims 5-10 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: Asano discloses the device substantially as claimed above, but does not disclose the process by which it is made.

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6. Hines (US 6,019,784) teaches the method steps of electroplating a single layer of material with a radiopacity higher than that of stainless steel can on the outer surfaces of a copper mandrel, followed by removal of the copper (col. 2, lines 58-67; col. 5, lines 50-58; col. 7, lines 55-64).

7. Cohen (US 6,709,377) teaches electroplating two metals onto an article (col. 1, lines 46-61), wherein a thermoplastic resin is used to coat parts of the metal that are not to be electroplated (col. 6 line 14) that is then removed during a later step in the process (col. 12, lines 34-35).

8. However, none of the prior art, alone or in combination, teaches the steps of forming a copper layer on each of the outer surfaces, the inner surfaces, and the sides of the main struts and the link struts constituting a stent made of stainless steel; a step of burying the stent in a thermoplastic resin material so as to expose only the outer surfaces of the main struts and link struts coated with the copper layers, a step of removing the thermoplastic resin material, and a step of detaching the single material layer having higher radiopacity than that of stainless steel.

9. Claims 6-10 are indicated as allowable because they depend from claim 5, which is allowable.

### ***Response to Arguments***

10. Applicant's arguments filed 5/4/2007 have been fully considered but they are not persuasive. The prior art of Asano does disclose all of the limitations of claims 1-4, as further explained in the citations above. Asano discloses a variety of materials that the

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stent can be made of, but that the stent is only made of just one of the materials from that list.

11. Amended claim 6 overcomes the rejection under 35 USC 112.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Adams whose telephone number is (571) 272-5577. The examiner can normally be reached on M-F, 8:00am-5:00pm, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ASA ASA 7/10/07

  
(JACKIE) TAN-UYEN HO  
SUPERVISORY PATENT EXAMINER

7/17/07